

Print Form



07-CV-00889-CMP

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JUN 11 2007

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON

BILL LIETZKE

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

Plaintiff(s)

vs.

CITY OF MONTGOMERY, ET AL,  
BOBBY BRIGHT, ART BAYLOR

2:07cv588-1D  
C07-0889 RS2

COMPLAINT

Defendant(s),

Parties to this Complaint:

Plaintiff's Name, Address and Phone Number

BILL LIETZKE  
547 SOUTH PERRY STREET, APT. 10  
MONTGOMERY, ALABAMA

Defendant's Name, Address and Phone Number

BOBBY BRIGHT  
103 NORTH PERRY STREET  
MONTGOMERY, ALABAMA

Defendant's Name, Address and Phone Number

ART BAYLOR  
320 NORTH RIPLEY STREET  
MONTGOMERY, ALABAMA

Summary issued  
TFP no

1      Defendant's Name, Address and Phone Number

2            WALTER J. BYARS  
3            LEGAL DEPARTMENT  
4            P. O. BOX 1111  
5            MONTGOMERY, ALABAMA

6            (If you have more defendants, list them using the same outline on another piece of paper.  
7            Attach additional sheets, if necessary)

8            **Jurisdiction**  
9            (Reason your case is being filed in federal court)

10          The Plaintiff is filing the instant Title 42 U. S. C.  
11          Section 1983 civil rights action for damages miscellaneous  
12          relief that the City of Montgomery, et al., violated his  
13          constitutional rights under the First and Fourth Amendments.

14          **Statement of Claim:**  
15          (State here as briefly as possible the facts of your case.)

1  
2                   **Statement of Claim**  
3                   (continued):  
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### **Relief:**

**(State briefly exactly what you want the court to do for you)**

This Court construes that the evidence of civil rights violations of City of Montgomery Defendants from the facts alleged in the Plaintiff's Complaint is overwhelming. The Plaintiff seeks immediate imprisonment of the Defendants, more than \$1,000,000,000.00 in Compensatory Damages, and the immediate shut down intersections of Grove Street at South Court Street, and Grove Street at South McDonough Street.

**Jury Demand:**  
(Optional)

Date \_\_\_\_\_

**Signature of Plaintiff**

C07-0889 RSL

4. On June 9, 1997, by and through its agent police officers, City of Montgomery Defendants beckoned the Plaintiff by hand and detained the Plaintiff unlawfully on Girard Street, a public Street, less than  $\frac{1}{2}$  block from the Plaintiff's previous address, 2000 Girard Street. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was running on Mulberry Street, a public street.

5. On or about July 15, 1997, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Street, a public street, from South Decataur Street, a public street, jumped out of the patrol car, searched the Plaintiff and detained the Plaintiff unlawfully. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was walking in the middle of the street.

6. On or about September 1, 1997, by and through its agent police officers, City of Montgomery Defendants approached the 400 block of South Perry Street, a public street, from Scott Street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants accused the Plaintiff more or less of breaking into a building, because it was midnight, and alleged, "15 minutes to get somewhere?"

7. On or about January 29, 1998, by and through its agent police officers, City of Montgomery Defendants beckoned the Plaintiff by hand while standing on South Perry Street, a public street, with an adult female and detained the Plaintiff unlawfully. City of Montgomery Defendants alleged, "What's your name?" "Where you live?" "Where you come from?" "Where you going?"

8. On or about June 12, 1998, by and through its agent police officers, City of Montgomery Defendants approached the 500block of South

Perry Street, a public street, from High Street, a public street, jumped out of the patrol car and subjected the Plaintiff to unlawful search and seizure. City of Montgomery Defendants alleged, "What's your name?" "Where you live?" "Where you going?" "Where you come from?"

9. On or about July 10, 1998, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "You know anything about anybody breaking out car windows?"

10. On or about November 15, 1998, by and through its agent police officers, City of Montgomery Defendants approached the 300 block of Madison Avenue, a public street, from North Perry Street, a public street, jumped out of the patrol car and subjected the Plaintiff to unlawful search and seizure. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was following some woman in her car and flagging some woman down.

11. On or about March 3, 1999, by and through its agent police officers, City of Montgomery Defendants approached the 300 block of Madison Avenue, a public street, jumped out of the patrol car and detained the Plaintiff unlawfully. City of Montgomery Defendants alleged that some persons called the Defendants. Another Defendant approached the 300 block of Madison Avenue and jumped out of the patrol car. City of Montgomery Defendants alleged, "If you go back on that sidewalk, you go to jail." "You have been warned."

12. On May 10, 1999, by and through its agent police officers, City of Montgomery Defendants procured the unlawful arrest and false imprisonment of the Plaintiff at the 300 block of West Fairview Avenue, a public street, on the false charge that the Plaintiff was flagging down cars, etc. City of Montgomery Defendants detained the Plaintiff

unlawfully, and carried the Plaintiff to 320 North Ripley Street to the Montgomery City Jail.

13. On May 17, 1999, the Plaintiff was discharged and released from 320 North Ripley Street.

14. On or about July 15, 1999, by and through its agent police officers, City of Montgomery Defendants approached the 400 block of South Perry Street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "Somebody told me that you're running from the police."

15. On December 24, 1999, by and through its agent police officers, City of Montgomery Defendants approached the 700 block of South Lawrence Street, a public street, proceeded north on South Lawrence Street opposite the traffic, jumped out of the patrol car, and detained the Plaintiff unlawfully. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was going to jump off the interstate overpass on South Lawrence Street.

16. On or about April 6, 2000, by and through its agent police officers, City of Montgomery Defendants approached the block of South Decataur Street, a public street, from Arba Street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "Did you call the fire department?"

17. On April 10, 2000, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, entered San Souci Apartments, 547 South Perry Street, jumped out of the patrol car, and detained the Plaintiff unlawfully. City of Montgomery Defendants forced the Plaintiff to place his hands on the patrol car, searched the Plaintiff, accused the Plaintiff more or less of selling narcotic drugs, and accused the Plaintiff of running from the Defendants. The Plaintiff's

neighbor whose name is Earl witnessed this incident.

18. On or about April 21, 2000, by and through its agent police officers, City of Montgomery Defendants approached the 100 block of North Perry Street, a public street, approached the Plaintiff from behind following and stalking the Plaintiff, and detained the Plaintiff unlawfully. City of Montgomery Defendants proceeded to demand personal information of the Plaintiff.

19. On or about June 9, 2000, by and through its agent police officers, City of Montgomery Defendants approached the 5600 block of the Atlanta Highway and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "You got somewhere to go?" "You can't be out in the street like that."

20. On July 2, 2000, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, crossed South Perry Street, jumped out of the patrol car, and detained the Plaintiff unlawfully. City of Montgomery Defendants forced the Plaintiff to place his hands on the patrol car, searched the Plaintiff, and forced the Plaintiff to have a seat on the ground. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was "jumping out in front of cars."

21. On or about September 1, 2000, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, drove up to the Plaintiff, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "What are you doing?"

22. On or about March 22, 2001, by and through its agent police officers, City of Montgomery Defendants entered San Souci Apartments, 547 South Perry Street, proceeded through the Plaintiff's parking lot,

encountered the Plaintiff by the sidewalk that connects to the Plaintiff's parking lot, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants threatened to take the Plaintiff to jail if the Plaintiff goes on the street.

23. On or about August 2, 2001, by and through its agent police officers, City of Montgomery Defendants approached the 600 block of South Lawrence Street, a public street, from Grove Street, a public street, and harassed the Plaintiff from the window of an unmarked black vehicle. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was "jumping out in front cars."

24. On August 5, 2001, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, passed the Plaintiff in front of 547 South Perry Street, circled the 500 block of South Perry Street, proceeded left on Grove Street to return to South Perry Street, proceeded left on South Perry Street to return to the Plaintiff, jumped out of the patrol car and detained the Plaintiff unlawfully. City of Montgomery Defendants engaged in this unlawful, harassment practice over and over, and over again for years. City of Montgomery Defendants beckoned the Plaintiff and forced the Plaintiff to place his hands on the patrol car. City of Montgomery Defendants searched the Plaintiff for absolutely nothing again and ordered the Plaintiff to sit on his patrol car. City of Montgomery Defendants alleged, "What are you doing?" "Is this a lecture in law?" "Is this a law lecture?" City of Montgomery Defendants further stated, "If I catch you with your pants rolled up and your shirt tail out I'm gonna run you in." "I'm gonna take you jail, anyway." "I'm gonna come back and I'm gonna take you to jail, if I find out you've been lying to me." "You know what." "Now you go on about your business."

25. On or about April 16, 2002, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Street, a public street, from South Union Street, a public street, approached the Plaintiff, and jumped out of the patrol car. City of Montgomery Defendants forced the Plaintiff into a private parking lot, forced the Plaintiff to put his groceries on the street, forced the Plaintiff to place his hands on the patrol car, and subjected the Plaintiff to unlawful search and seizure. City of Montgomery Defendants alleged, "Do you have any warrants on you?"

26. On or about July 30, 2002, by and through its agent police officers, City of Montgomery Defendants approached the 600 block of South Lawrence Street, a public street, from South Street, a public street, and detained the Plaintiff unlawfully. On the overpass, City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was climbing over the fence.

27. On or about September 20, 2002, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Lawrence Street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "Is that your car?" "You got some ID?" "Do you work around here?" "Do you live around here?"

28. On or about October 15, 2002, by and through its agent police officers, City of Montgomery Defendants approached the 700 block of South Lawrence Street, a public street, from Arba Street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "Everything alright?" "We got a call saying you were jumping out in front of cars."

29. On December 15, 2003, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry

Street in a black Ford Taurus, stopped in front of San Souci Apartments, 547 South Perry Street in front of the Plaintiff, and harassed the Plaintiff from the window of the Taurus. City of Montgomery Defendants exclaimed, "Get out of the street." "You're always being told that." "Go on." "Go on." City of Montgomery Defendants jumped out of the car and subjected the Plaintiff to unlawful search and seizure. City of Montgomery Defendants alleged, "You got some ID?" "When an officer tells you to go on, don't stand there and stare at him, go on." "Now go on or spend Christmas in jail."

30. On May 29, 2004, by and through its agent police officers, City of Montgomery Defendants approached the 300 block of South Perry Street, a public street, jumped out of the patrol car, and detained the Plaintiff unlawfully. City of Montgomery Defendants forced the Plaintiff to take a seat on their patrol car. City of Montgomery Defendants alleged, "Somebody called us." "The church called us." "Said you were harassing them."

31. On July 13, 2004, by and through its agent police officers, City of Montgomery Defendants passed the Plaintiff at 547 South Perry Street in a white Ford Taurus, backed up to 547 South Perry Street to the Plaintiff, jumped out of the Taurus and pointed their loaded pistols at the Plaintiff for absolutely no reason in front of 547 South Perry Street. City of Montgomery Defendants continued to taunt, bully, terrorize the Plaintiff exclaiming, "Get on your knees, get on your knees." "Put your hands behind your head, put your hands behind your head." "I'll shoot you." City of Montgomery Defendants proceeded to 547 South Perry Street to the Plaintiff's driveway then encountered one of the Plaintiff's neighbors upstairs on the third floor. City of Montgomery Defendants stated to the neighbor, "Is he alright?" "Does he live here?"

32. On or about August 20, 2004, by and through its agent police

officers, City of Montgomery Defendants approached the 600 block of South Lawrence Street, a public street, stopped his patrol car in traffic, and harassed the Plaintiff from the window of the car. City of Montgomery Defendants alleged, "Go on home before you get in trouble." "I don't want to take you to jail."

33. On September 16, 2004, by and through its agent police officers, City of Montgomery Defendants approached the 600 block of South Lawrence Street, a public street, in a white Ford Taurus opposite the traffic, proceeded left on Grove Street, approached the Plaintiff and jumped out of the Taurus. City of Montgomery Defendants detained the Plaintiff unlawfully, forced the Plaintiff to place his hands on the car, and subjected the Plaintiff to unlawful search and seizure. City of Montgomery Defendants alleged, "Something wrong?" "Got some ID?" "Put your hands on the car."

34. On October 13, 2004, by and through its agent police officers, City of Montgomery Defendants approached 1 Commerce Street, Regions Bank, from Dexter Avenue, a public street, circled the Regions Bank block twice, circled Regions Bank and 2 additional blocks, backed up into the parking lot directly behind Regions Bank, jumped out of the patrol car and detained the Plaintiff unlawfully. City of Montgomery alleged, "Are you lost?" "I thought you might have been lost."

35. On October 14, 2004, by and through its agent police officers, City of Montgomery Defendants approached the 100 block of Adams Avenue, a public street, from South Perry Street, a public street, stopped the patrol car in traffic, and harassed the Plaintiff from the window of the car. City of Montgomery Defendants proceeded to taunt and bully the Plaintiff alleging, "Stand on the sidewalk." "You're standing in the middle of the street." The Plaintiff categorically denies standing in the middle of the street of which the Plaintiff was falsely accused.

City of Montgomery Defendants continued to taunt and bully the Plaintiff stating, "Stand on the sidewalk." "You're disrupting traffic." "The sidewalk is for walking." "The street is for driving."

36. On October 24, 2004, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, beckoned the Plaintiff by hand in front of 547 South Perry Street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "Come here." "We got a call saying you were flagging down cars and waving at people at people." "Don't do that." "That's disorderly conduct." "Go somewhere else." "I'm not asking you, I'm telling you."

37. On January 18, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, passed the Plaintiff in front of San Souci Apartments, 547 South Perry Street, circled the 500 block of South Perry Street, proceeded left on Grove Street to return to South Perry Street, proceeded left on South Perry Street, approached the Plaintiff and jumped out of the patrol car. When the Plaintiff crossed South Perry Street, City of Montgomery Defendants crossed South Perry Street following and stalking the Plaintiff. City of Montgomery Defendants pointed another dangerous gun at the Plaintiff, ordered the Plaintiff to halt, and detained the Plaintiff unlawfully. City of Montgomery Defendants proceeded to demand personal information of the Plaintiff. City of Montgomery Defendants alleged, "We're not going to charge you with anything."

38. On March 10, 2005, by and through its agent police officers, City of Montgomery Defendants crossed South Lawrence Street, a public street, approached the Plaintiff holding their guns 1 block from 547

South Perry Street and detained the Plaintiff unlawfully. On the I 85 interstate overpass, City of Montgomery Defendants continued to taunt, bully, terrorize the Plaintiff exclaiming, "Sir, get off the bridge." "Sir, get off the bridge." "Sir, if you don't want to go to jail, get off the bridge." "I'm telling you, that's why."

39. On April 3, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 600 block of South Lawrence Street, a public street, opposite the traffic, jumped out of the patrol car, and beckoned the Plaintiff by hand. City of Montgomery Defendants alleged, "Come here." "Put your hands on the car." "What are you doing?" "Where do you live?" "We got a call on you." "Got some ID?" "There's a suspicious male on the interstate."

40. On May 21, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 700 block of South Lawrence Street, a public street, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants alleged, "Why are you hanging out on the bridge?" "We got calls saying that you might be throwing something off the bridge."

41. On May 26, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, parked on the private property of Regions Mortgage, Inc., 555 South Perry Street, next door to San Souci Apartments, 547 South Perry Street, jumped out of the patrol car and encountered a suspicious black male in the driveway at 547 South Perry Street. City of Montgomery Defendants proceeded to harass and bully the Plaintiff alleging, "Quit staring at me." "What you staring at me for?" At this time, a Regions Mortgage, Inc. woman employee exit Regions Martgage, Inc. and witnessed City of Montgomery Defendants harassing the Plaintiff.

42. On May 29, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 200 of Washington Avenue, a public street, from South Lawrence Street, a public street, and detained the Plaintiff unlawfully. A white woman who recognized the Plaintiff blew her horn to speak to the Plaintiff. When the Plaintiff acknowledged the woman's presence and spoke back to her, City of Montgomery Defendants alleged, "What are you doing?" The Plaintiff answered, "What do you mean what am I doing?" "City of Montgomery Defendants alleged, "You're standing in the middle of the street." The Plaintiff categorically denies standing in the middle of the street of which the Plaintiff was falsely accused.

43. On July 2, 2005, by and through its agent police officers, City of Montgomery Defendants parked patrol cars on the premises of San Souci Apartments, 547 South Perry Street, the Plaintiff's residence. While upstairs on the third floor, City of Montgomery Defendants yelled and screamed downstairs to the Plaintiff, "Quit staring at me." Two neighbors of the Plaintiff, Earl and another adult male, witnessed City of Montgomery Defendants harassing the Plaintiff.

44. On July 2, 2005, by and through its agent police officers, City of Montgomery Defendant approached the 700 block of South Lawrence Street, a public street, from Arba Street, a public street, proceeded left on South Lawrence Street opposite the traffic, and detained the Plaintiff unlawfully. City of Montgomery Defendants alleged, "You alright?" "Somebody called us." "Somebody that's seen you for a long time called us."

45. On August 3, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 400 block of South Lawrence Street, a public street, stopped the patrol car in traffic, jumped out of the patrol car, grabbed the Plaintiff and pushed the Plaintiff on the

patrol car. City of Montgomery Defendants continued to taunt, bully, and terrorize the Plaintiff gripping the Plaintiff's arms and the Plaintiff's garments and forcing the Plaintiff to place his hands on the patrol car for absolutely no reason. City of Montgomery Defendants exclaimed, "Get on that car." "Get on that car." "Get on that car." City of Montgomery Defendants continued to taunt, bully, and terrorize the Plaintiff kicking the Plaintiff's legs forcing the Plaintiff to spread his legs. City of Montgomery Defendants exclaimed, "Spread your legs." "Spread your legs." "Spread your legs." City of Montgomery Defendants subjected the Plaintiff to unlawful search and seizure, grabbed the Plaintiff by his arm and grabbed the Plaintiff's shirt, and pushed the Plaintiff to the ground. City of Montgomery Defendants alleged, "Have a seat on the ground." "Have a seat on the ground." City of Montgomery Defendants alleged, "Somebody called us saying you were jumping out in front cars."

46. On September 18, 2005, by and through its agent police officers, City of Montgomery Defendants entered San Souci Apartments, 547 South Perry Street at about 3:15a.m. in the morning, proceeded to the Plaintiff's apartment, apt. 10, and pounded on the Plaintiff's window with heavy objects. When the Plaintiff answered his door, City of Montgomery Defendants alleged, "We want to come in and see what's going on." The Plaintiff answered, "You're trespassing." City of Montgomery Defendants alleged, "No we're not." "We want to come in and see who else is in there." The Plaintiff answered, "It none of your business who else is in here." City of Montgomery Defendants entered the Plaintiff's house shining their flashlights and searching the Plaintiff's house without the Plaintiff's permission, without the Plaintiff's approval, and for absolutely no reason.

47. On October 23, 2005, by and through its agent police officers, City of Montgomery Defendants procured the unlawful arrest and false imprisonment of the Plaintiff at the 500 block of South Perry Street ½ block from 547 South Perry Street, Apt. 10 on the false charge that the Plaintiff was flagging down cars, trying to get cars to stop, walking in the middle of the street, etc. The Plaintiff categorically denies all such allegations City of Montgomery Defendants supplied to the Montgomery Municipal Court, and the Plaintiff entered the plea of NOT GUILTY. Said actions by City of Montgomery Defendants are indicative of another case of false imprisonment where the Plaintiff was falsely arrested on another public street by City of Montgomery Defendants on May 10, 1999, and charged with flagging down cars and trying to get cars to stop. The Plaintiff also entered the plea of NOT GUILTY in that case.

48. On October 26, 2005, the Plaintiff was discharged from the Montgomery City Jail, 320 North Ripley Street.

49. On December 2, 2005, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, entered 529 South Perry Street, private property of The Stowers Management, 1631 East Fairview Avenue, the Plaintiff landlord, to encounter a suspicious white male who accosted the Plaintiff. City of Montgomery Defendants proceeded to harass and bully the Plaintiff yelling something from the patrol car.

50. On or about June 18, 2006, by and through its agent police officers, City of Montgomery Defendants approached the Plaintiff at the site of a two or three car collision on South Perry Street at South Street. South Perry Street is the site of frequent automobile accidents. When the Plaintiff watched an injured passenger get placed inside the paramedics, City of Montgomery Defendants proceeded to bully and harass

the Plaintiff exclaiming, "Get out of my way." "Get your butt back over there and out of my way."

51. On or about September 6, 2006, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, entered Regions Mortgage, Inc.'s private lot to approached the Plaintiff and harassed the Plaintiff from the window of the patrol car. One of the secretaries from Shinbaum, Abell, Mcleod, and Campbell, P. C., 566 South Perry Street whose name is April witnessed City of Montgomery Defendants harassing the Plaintiff. City of Montgomery Defendants alleged, "Where you supposed to be?" "What's wrong with you, man?"

52. On or about September 6, 2006, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, proceeded left on South Perry Street, parked his patrol car in front of the Plaintiff and the Plaintiff's neighbor, Margaret at Jim Inscoe Agency Real Estate, 572 South Perry Street and harassed Margaret and the Plaintiff from the window of his patrol car. City of Montgomery Defendants alleged, "What he said?"

53. On September 15, 2006, by and through its agent police officers, City of Montgomery Defendants approached Forest Avenue from Interstate I 85 opposite the traffic, startled the Plaintiff, and harassed the Plaintiff from the window of the patrol car. City of Montgomery Defendants approached the Plaintiff on the one way street opposite the traffic, jumped out of the patrol car, and unlawfully detained the Plaintiff. City of Montgomery Defendants alleged that some persons called the Defendants and stated that the Plaintiff was running in the middle of the street.

54. On December 6, 2006, by and through its agent police officers, City of Montgomery Defendants exit the traffic lanes of Interstate 1 85, pulled off to the side of the interstate to stop in front of the Plaintiff, and harassed the Plaintiff from the window of her patrol car. City of Montgomery Defendants alleged that some persons called the Defendants and stated that they saw the Plaintiff walking.

55. On December 13, 2006, by and through its agent police officers, City of Montgomery Defendants sped through the Plaintiff's neighborhood of law firms and mortgage companies in seven or more patrol cars and parked in front of San Souci Apartments, 547 South Perry Street and parked at 529 South Perry Street, offices spaces and private property of The Stowers Management, the Plaintiff's landlord. The Plaintiff entered the law firm of Shinbaum, Abell, Mcleod, and Campbell, P. C. 566 South Perry Street across the street from 547 South Perry Street and informed the secretaries of Shinbaum, Abell, Mcleod, and Campbell, P. C. that City of Montgomery Defendants are crossing South Perry Street following and stalking the Plaintiff and are now entering these law offices following and stalking the Plaintiff. One of the secretaries whose name is April witnessed City of Montgomery Defendants enter Shinbaum, Abell, Mcleod, and Campbell, P. C. grabbing the Plaintiff by the shoulders and arms, handcuffing the Plaintiff and dragging the Plaintiff out of Shinbaum, Abell, Mcleod, and Campbell, P. C. to their patrol cars parked in front of 547 South Perry Street and parked at 529 South Perry Street. City of Montgomery Defendants continued to taunt, bully, and terrorize the Plaintiff placing handcuffs on the Plaintiff's wrists that injured the Plaintiff and forcing the Plaintiff's head to hit the trunk of their car. A suspicious black male who was parked at 529 South Perry Street left this scene in a black vehicle. City of Montgomery Defendants placed the Plaintiff inside their car and moments

later ordered the Plaintiff to get out of the car. City of Montgomery Defendants removed the handcuffs, released the Plaintiff, and alleged, "There is no charge." "Go on." "Go on."

56. On January 8, 2007, by and through its agent police officers, City of Montgomery Defendants entered San Souci Apartments, 547 South Perry Street, opened the Plaintiff's door which is apartment 10, entered the Plaintiff's residential structure without the Plaintiff's permission and without the Plaintiff's approval, and pointed their loaded pistols at the Plaintiff and shined their flashlights at the Plaintiff inside the Plaintiff's house at 3:10a.m. in the morning without probable cause therefor. For absolutely no reason, City of Montgomery Defendants continued to taunt, bully, and terrorize the Plaintiff exclaiming. "Let me see your hands." "Let me see your hands." "Get down on the floor." "Get down on the floor." City of Montgomery Defendants grabbed the Plaintiff inside his bedroom and forced the Plaintiff's head to hit the floor of the Plaintiff's bedroom. City of Montgomery Defendants continued to taunt, bully, and terrorize the Plaintiff placing handcuffs on the Plaintiff's wrists that injured the Plaintiff inside the Plaintiff's bedroom and forcing the Plaintiff to lie face down on the Plaintiff's bedroom floor. City of Montgomery Defendants proceeded to order the Plaintiff to state his name, already knowing the Plaintiff's name. City of Montgomery Defendants alleged that if the Plaintiff didn't tell them his name City of Montgomery Defendants were going to take the Plaintiff to jail. At this time, another Defendant entered apartment 10 the Plaintiff's house. "Sargeant Bruce" alleged that these Defendants were going to release the Plaintiff. Thereafter, City of Montgomery Defendants removed the handcuffs, released the Plaintiff, and left the Plaintiff's house.

57. On January 19, 2007, by and through its agent police officers, City of Montgomery Defendants approached the 500 block of South Perry Street, a public street, from Grove Street, a public street, jumped out of the patrol car  $\frac{1}{2}$  block from 547 South Perry Street and beckoned the Plaintiff by hand. When the Plaintiff refused, City of Montgomery Defendants followed and stalked the Plaintiff, grabbed the Plaintiff by the arm, pulled the Plaintiff to his patrol car, forced the Plaintiff to place his hands on the car, placed handcuffs on the Plaintiff's wrists for nothing, and subjected the Plaintiff to unlawful search and seizure.

58. On March 4, 2007, by and through its agent police officers, and the latest incident of menacing, negligence, and harassment, City of Montgomery Defendants approached the 300 block of South Perry Street, a public street, from Scott Street, a public street, and harassed the Plaintiff from the window of the patrol car. When the Plaintiff remained silent, City of Montgomery Defendants parked in front of First Baptist Church, 305 South Perry Street, jumped out of the patrol car, and detained the Plaintiff unlawfully. City of Montgomery Defendants alleged, "You got somewhere to go?" "You can't be hanging around the church if you ain't going in the church."

#### CONSTITUTIONAL RIGHTS VIOLATIONS

59. The Plaintiff incorporates by reference paragraphs 1 through 58 of the Complaint as though fully set out herein.

60. The Plaintiff avers that City of Montgomery Defendants violated repetitively the Plaintiff's constitutional rights by continually subjecting the Plaintiff to RECORD NUMBER harassments and RECORD NUMBER unlawful detentions.

61. The Plaintiff avers that City of Montgomery Defendants violated repetitively the Plaintiff's right to freedom of speech, and violated repetitively the Plaintiff's right of the people peaceably to assemble,

in violation of the Plaintiff's First Amendment rights of the United States Constitution.

62. The Plaintiff avers that City of Montgomery Defendants violated repetitively the Plaintiff's right against RECORD NUMBER unlawful searches and seizures, in violation of the Plaintiff's Fourth Amendment rights of the United States Constitution.

COMMON LAW NEGLIGENCE

63. The Plaintiff incorporates by reference paragraphs 1 through 62 of the Complaint as though fully set out herein.

64. The Plaintiff avers that City of Montgomery Defendants negligently failed to provide the skill and care require of its agents under Section 1-47-190, Alabama Code 1975, failed to protect and serve the Plaintiff, and failed again to prevent the injuries received by the Plaintiff as described above, either directly by the officers in their failure to protect and serve the Plaintiff, or indirectly when considering the officers were acting under the scope and control to the City of Montgomery's police department in a respondeat superior capacity.

65. The Plaintiff avers that City of Montgomery Defendants had a duty to provide the requisite skill and care required by Alabama law, and a duty to protect and serve the Plaintiff through their officers of the law in facilitating the safety of the general public. City of Montgomery Defendants breached that duty to protect and serve the Plaintiff with the requisite skill and care levels over and over, and over again.

66. The Plaintiff further avers that the final decision makers namely, Mayor Bobby Bright and police chief Art Baylor, have permitted and still permit a custom and policy of menacing, negligence, assault, and harassment against the Plaintiff and others in similar situations in direct violation of Title 42 U. S. C. Section 1983.

FIRST DEGREE CRIMINAL TRESPASSING

67. The Plaintiff incorporates by reference paragraphs 1 through 66 of the complaint as though fully set out herein.

68. The Plaintiff avers that City of Montgomery Defendants entered the Plaintiff's residential structure, 547 South Perry Street, Apt. 10 and remained unlawfully therein.

69. The Plaintiff avers that City of Montgomery Defendants unlawfully entered and remained in the Plaintiff's residential yard, looking into the Plaintiff's residential structure thereon in complete reckless disregard of the Plaintiff's right of privacy.

70. The Plaintiff avers that City of Montgomery Defendants entered and remained unlawfully in the Plaintiff's residential structure without the express permission of the owner and without the express permission of the Plaintiff.

FALSE IMPRISONMENT

71. The Plaintiff incorporates by reference paragraphs 1 through 70 of the Complaint as though fully set out herein.

72. The Plaintiff avers that City of Montgomery Defendants intentionally confined the Plaintiff without lawful privilege and against the Plaintiff's consent within a limited area for extended periods of time.

73. The Plaintiff avers that City of Montgomery Defendants confined the Plaintiff intentionally without lawful privilege and against the Plaintiff's consent within a limited area for any appreciable time.

74. The Plaintiff avers that City of Montgomery Defendants in fact deprived the Plaintiff of his personal liberty and compelled the Plaintiff to remain where the Plaintiff didn't wish to remain, and compelled the Plaintiff to go where the Plaintiff didn't wish to go.

75. The Plaintiff avers that City of Montgomery Defendants deprived the Plaintiff of liberty and freedom of movement, and compelled the Plaintiff to remain where the Plaintiff didn't wish to remain, and compelled the Plaintiff to go where the Plaintiff didn't wish to go, within meaning of false imprisonment.

MENACING

76. The Plaintiff incorporates by reference paragraphs 1 through 75 of the Complaint as though fully set out herein.

77. The Plaintiff avers that City of Montgomery Defendants, by physical action, intentionally placed the Plaintiff in fear of imminent serious physical injury pointing their loaded pistols at the Plaintiff.

HARASSMENT

78. The Plaintiff incorporates by reference paragraphs 1 through 77 of the Complaint as though fully set out herein.

79. The Plaintiff avers that City of Montgomery Defendants, with the intent to harass, struck, shoved, kicked, and touched the Plaintiff and subjected the Plaintiff to RECORD NUMBER unlawful detentions, RECORD NUMBER unlawful physical contacts, and RECORD NUMBER unlawful searches and seizures.

ASSAULT

80. The Plaintiff incorporates by reference paragraphs 1 through 79 of the Complaint as though fully set out herein.

81. The Plaintiff avers that City of Montgomery Defendants knowingly touched the Plaintiff with the intent to injure, insult, and provoke the Plaintiff.

82. As a proximate consequence of City of Montgomery Defendants, the Plaintiff suffered deprivation of liberty and deprivation of freedom of movement.

4. Intersections of Grove Street at South Court Street and Grove Street at South McDonough Street that leads to Regions Mortgage, Inc., 605 South Perry Street, Jim Inscoe Agency Real Estate, 572 South Perry Street, Regions Mortgage, Inc., 555 South Perry Street, Shinbaum, Abell, McCleod, and Vann, P. C., 566 South Perry Street, Holloway and Moxley, LLC, Attorneys at Law, 556 South Perry Street, San Souci Apartments, 547 South Perry Street, Joseph G. Stewart, P. C., 559 South Lawrence Street, James and Pittman, P. C., Attorneys at Law, 611 South Lawrence, Yvette Smiley Smith, CPA, 575 South Lawrence Street are PERMANENTLY, INDEFINITELY, and IMMEDIATELY shut down, blocked off, and closed out to the general public expelling City of Montgomery police officers and expelling African american black folks who are not supposed to be in the area at all and who have absolutely no business at all in this neighborhood, all City of Montgomery signs in this area dismantled IMMEDIATELY, reconstruction and resurfacing works in this area of Regions Mortgage, Inc. put into effect IMMEDIATELY, large dividing walls and large fences constructed and set up in this area at both of these intersections with "NO TRESPASSING," "PRIVATE PROPERTY," and "KEEP OUT" signs affixed thereto IMMEDIATELY, another large dividing wall and large fence constructed and set up in this area, additional lighting fixtures installed in this area of Regions Mortgage, Inc. IMMEDIATELY, and "NO TRESPASSING," "PRIVATE PROPERTY," "NO PARKING," "MINIMUM FINE 20, 000 .00" signs installed in this area of Regions Mortgage, Inc. IMMEDIATELY.